

**COLORADO SUPREME COURT
ADVISORY COMMITTEE ON RULES OF APPELLATE PROCEDURE**

**Minutes of Meeting
August 31, 2023**

A quorum being present, the Colorado Supreme Court’s Advisory Committee on Rules of Appellate Procedure was called to order by Chief Judge Gilbert Román at 1:00 p.m., in the Court of Appeals Full Court Conference Room on the third floor of the Ralph L. Carr Colorado Judicial Center. Members and guests present or excused from the meeting were:

Name	Present	Excused
Chief Judge Gilbert Román, Chair	X	
Marilyn Chappell	X	
Anne Whalen Gill		X
Marcy Glenn	X	
Judge Christina Gomez	X	
Andrew Low	X	
Jason Middleton	X	
Norman Mueller	X	
Jillian Price	X	
Judge Christopher Seldin	X	
Judge Christopher Zenisek	X	
Non-voting participants		
Justice Richard Gabriel, Liaison	X	
Polly Brock		X
Melissa Meirink	X	

I. Attachments & Handouts

A. August 31, 2023, agenda packet

II. Approval of Minutes

The committee approved the March 2, 2023, minutes as submitted with the change of the meeting date from 2023 to 2022 for the previous meeting minutes.

III. Announcements from the Chair

- Chair Chief Judge Román announced that the Court of Appeals will have two vacancies this fall. Further, the Chief reported that all committee members’ terms will end on December 31. Members who are interested in remaining on the committee should email Justice Gabriel, Chief Judge Román, and Kathryn.

IV. Proposed drafts of Colorado Appellate Rules

The following issues and revisions were discussed:

- C.A.R. 3.3
 - This proposal comes from Nelson Boyle via committee member Marilyn Chappell and aims to streamline the process for submitting redacted versions of briefs that contain privileged/confidential information. The committee unanimously approved the proposed changes.
- C.A.R. 3.4
 - This proposal comes from the Court of Appeals Motions Team and adds a word count requirement for answer briefs while providing clarification to practitioners. The committee unanimously approved the proposed changes.
- C.A.R. 5
 - This proposal comes from a working group of Court of Appeals judges, senior judges, and practitioners. The proposal expands and clarifies the provisions for limited scope representation in civil appeals. The committee made two friendly amendments and then unanimously approved the proposed changes.
- C.A.R. 12
 - This proposal from the Supreme Court Clerk's Office aims to give discretion if a significant amount of time has passed since the lower court granted *in forma pauperis* status and to prevent parties from submitting *in forma pauperis* status in unrelated cases. The committee unanimously approved the proposed changes.
- C.A.R. 21, 29, 32, and 40
 - The proposed changes to C.A.R. 21 aim to provide clarification, improve readability, and increase access to justice. The committee suggested several improvements to Rule 21 and will revisit the proposal at the next meeting.
- C.A.R. 41
 - This proposed change comes at the request of the Supreme Court Clerk's Office to clarify that the court may issue a mandate immediately in cases where a petition for rehearing is unavailable. The committee unanimously approved the proposed changes.

Future Meeting

The next meeting will be held on Thursday, November 30th at 1:00 pm. The committee adjourned at 3:21 pm.